

From: Sean Reilly
To: Microsoft ATR
Date: 1/24/02 10:00am
Subject: Microsoft Settlement

To Whom it May Concern,

I am writing to express my objection to the terms of the tentative settlement reached by the DOJ and Microsoft.

The limitations applied to Microsoft's behavior with regard to OEM's do not adequately limit the retaliatory options open to Microsoft. It is ridiculous that this settlement does not protect OEM's who install non-Windows operating systems unless they also install Windows on the same computer.

The proposed settlement also does not seem to keep Microsoft from withholding Windows licenses to OEM's that install certain third party icons, menu items, or programs.

I believe that if this settlement is approved, it will have little to no effect on Microsoft's atrocious abuse of its monopoly power to put competitors out of business. Microsoft has been shown to be capable of easily getting around these types of restrictions (witness the 1995 consent decree), and I believe that this settlement will not cause Microsoft to stop abusing its monopoly power in any meaningful way. In addition, this settlement attempts to limit Microsoft's unlawful behavior by specifying what Microsoft is restricted from doing. This does absolutely nothing to keep Microsoft from engaging in other types of anti-competitive actions in the future. There are many other ways that Microsoft can take advantage of its PC operating system monopoly that the court has not yet witnessed. Is the Department of Justice going to bring Microsoft to court for every new monopoly abuse that has not already been explicitly mentioned in a settlement agreement? Isn't it better to solve the problem at it's root rather than repeatedly treat the symptoms at great cost?

Splitting Microsoft into an applications company and an operating systems company (and possibly a third company for Internet services) is the fairest, most effective solution. This would not impact Microsoft's ability to innovate in any of the areas in which they operate. It would also force them to compete on level ground with competitors in the operating systems, applications, and internet services markets.

In conclusion, I ask that you reject the proposed settlement and produce a solution that will actually have the effect of limiting Microsoft's behavior.

Sincerely,
Sean Reilly

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